

# Republic Act 9262 Anti-Violence Against Women and their Children (VAWC) Act of 2004



Seeks to address the prevalence of violence against women and their children (VAWC) by their intimate partners like:

- ✓ Husband or ex-husband
- ✓ Live-in partner or former live-in partner
- ✓ Boyfriend/girlfriend or ex-boyfriend/ex-girlfriend
- ✓ Dating partner or former dating partner



Classifies VAWC as a public crime.

## What is VAWC under RA 9262?

It refers to any act or series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

**Children** are those below 18 years of age or older but are incapable of taking care of themselves (as stated in RA 7610). It includes biological children of the victim and other children under her care.

**Dating relationship** is one which has a romantic involvement. It means that a relationship existed between a woman and a partner who is abusive or has previously abused her, whether or not the relationship was formal.

**Sexual relations** refer to a single sexual act which may or may not result in the bearing of a common child.



VAWC includes, but is not limited to the following acts:

- 1. PHYSICAL VIOLENCE** refers to acts that include bodily or physical harm;
- 2. SEXUAL VIOLENCE** refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:
  - 2.a. Rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing the victim to watch obscene publications**

*and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;*

**2.b. Acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion; and**

**2.c. Prostituting the woman or her child.**

**3. PSYCHOLOGICAL VIOLENCE** refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and marital infidelity. It includes causing or allowing the victim to witness the physical, sexual, or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

**4. ECONOMIC ABUSE** refers to acts that make or attempt to make a woman financially dependent. This includes but is not limited to the following:



*Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, deprivation of financial resources and the right to conjugal community or property owned in common, destroying household property or controlling the victim's own money or properties.*

## Who gets protected under the Law?

The law recognizes the unequal relations between a man and a woman in an abusive relationship where the woman is usually at a disadvantage. Thus the law protects the **woman and her children**.

The **victim-child** who is a minor (legitimate and illegitimate), and a person aged 18 years and beyond who doesn't have the ability to decide for herself/himself because of an emotional, physical and mental illness can make full use of the law.

**Any child under the care of a woman** is also protected under the law.

## What can women and children do under RA 9262?

Under the law, the offended party may file a criminal action, or apply for Protection Order either as an independent action or as an incident in civil or criminal action and other remedies.

## Is VAWC committed by men alone?

Women can also be liable under the law. These are the lesbian partners/girlfriends or former partners of the victim with whom she has or had a sexual or dating relationship.

## What if the male spouse/partner complains about abuses committed by his wife/partner?

He may file a complaint or case under the Revised Penal Code.

## Who may file a complaint under RA 9262?

Any citizen having personal knowledge of the circumstances involving the commission of the crime may file a complaint because violence against women and their children is considered a PUBLIC crime.

## Where should cases for VAWC be filed?

Cases may be filed in the Regional Trial Court designated as FAMILY COURT of the place where the crime was committed. These courts have original and exclusive jurisdiction over these cases.

## What are the penalties for committing VAWC?

Offenders proven in court to be guilty of the crime shall be penalized with:

- imprisonment ranging from 1 month and 1 day to 20 years
- payment of P100,000 to P300,000 in damages
- mandatory psychological counseling or psychiatric treatment



## What is Battered Woman Syndrome (BWS)?

RA 9262 acknowledges that women who have retaliated against their partner or who commit violence as a form of self-defense may have suffered from **Battered Woman Syndrome (BWS)**.



*BWS refers to a pattern of psychological and behavioral symptoms found in battered women as a result of a long history of abuse.*

Any victim who suffers from BWS should be diagnosed by a Psychiatric expert or a clinical psychologist. This will also help the victim in obtaining a just decision in her case.

The law does not allow the offender to have custody of minor children. Their care is still entrusted to the woman even if she is found to have BWS.